

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Paul E. Johnson and C. Taren Vang,

Court File No.:

Plaintiff,

v.

**NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT**

City of Minneapolis; and Officer Nathan Sundberg, in his individual and official capacities; the Bureau of Criminal Apprehension; and Agents Michelle Frascone; Rachel Nelson; and Christopher Olson in their individual and official capacities,

Defendants.

TO: Plaintiffs above-named and their attorney, Paul J. Bosman, 4457 33rd Avenue South, Minneapolis, MN 55406. Defendants Bureau of Criminal Apprehension, Agents Michelle Frascone, Rachel Nelson and Cristopher Olson, by and through their attorney of record Katheryn Iverson Landrum, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101

Defendants City of Minneapolis and Officer Nathan Sundberg ("City Defendants") hereby remove this action from the Fourth Judicial District of the State of Minnesota to this Court, and gives notice to the Plaintiffs, fellow Defendants and to this Court as follows:

1. The City Defendants are defendants in a civil action in the District Court of the Fourth Judicial District of the State of Minnesota entitled *Paul E. Johnson and C. Taren Vang v. City of Minneapolis, et al.*, Court File No. 27-CV-20-14385. The original Summons and Complaint were served on Minneapolis on November 2, 2020. On November 20, 2020, Plaintiffs served the Amended Complaint on the City of Minneapolis and upon new defendant Nathan Sundberg. On November 30, 2020, the Bureau of Criminal Apprehension, Michelle Frascone, Rachel Nelson and Christopher Olson (“State Defendants”) served their answer upon these City Defendants. No other pleadings have been served. No trial date has been set. Today the removal documents are being filed in state court concurrently with this removal.

2. A copy of the Summons is attached as **Exhibit 1**. A copy of the Complaint is attached as **Exhibit 2**. A copy of the Amended Complaint is attached as **Exhibit 3**. A copy of the State Defendants’ Answer to the Amended Complaint is attached as **Exhibit 4**. A copy of the state court Notice of Filing Removal is attached as **Exhibit 5**. A copy of City Defendant’s Civil Cover Sheet, with addendum is attached as **Exhibit 6**.

3. This Notice of Removal of Action to Federal Court is filed pursuant to 28 U.S.C. § 1441(a) and (c). The Plaintiffs' lawsuit, being captioned in the State Court, is a civil action bringing claims under 42 U.S.C. § 1983 and alleging that a City of Minneapolis employee violated the Plaintiffs' rights under the U.S. Constitution, federal statutory law, state statutory claims and torts, resulting in injury to the Plaintiffs.

4. The Complaint alleges that City Defendants violated Plaintiffs' constitutional civil rights and asserts claims under 42 U.S.C. § 1983. These are claims over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1343, as they arise under the laws of the United States within the meaning of 28 U.S.C. § 1331, and these claims are therefore removable under 28 U.S.C. § 1441.

5. The City Defendants file herewith copies of all process, pleadings and orders served upon them in this action. The City Defendants have sent written notice of the filing of this Notice of Removal of Action to Federal Court to Plaintiff and will promptly file a copy of this Notice with the Clerk of the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin. Defendants sign this removal in accordance with Federal Rule of Civil Procedure 11.

6. The City Defendants have consulted with the State Defendants and the State Defendants have stated they have no objection to the City Defendants removal of this matter to Federal Court.

WHEREFORE, notice is hereby given that the said action is removed from the State Court to this Court for trial or such other determination as this Court may make regarding the action and in accordance with its jurisdictional limits under 28 U.S.C. § 1441.

Dated: December 1, 2020

JAMES R. ROWADER, JR.
City Attorney
By

s/GregoryPSautter
GREGORY P. SAUTTER
Assistant City Attorney
Attorney Reg No. 0326446
City Hall, Room 210
350 South Fifth Street
Minneapolis, MN 55415
(612) 673-2683

*Attorneys for Defendants City of Minneapolis
and Nathan Sundberg*